



Governor Brad Little

Director Gary Spackman

August 25, 2021

LUCAS YOCKEY
WATERMASTER, WATER DISTRICT NO. 34
211 E CUSTER RD STE B
MACKAY, ID 83251

VIA EMAIL TO: watermaster34@atcnet.net; blridgm@atcnet.net

RE: Futile Delivery Call – Antelope Creek

Dear Mr. Yockey,

On August 23, 2021, the Idaho Department of Water Resources (Department) received your email (attached) regarding a futile call determination on Antelope Creek. Based on the information you have provided, the Department believes your futile call determination on Antelope Creek is justified. This letter is to notify you that the Department supports the futile call determination based on the information noted below.

Background

- Brent Dalling (Dalling) reportedly has use of water right 34-10220 (water right owned by Alvin Crawford) via a lease agreement. Water right 34-10220 authorizes irrigation of 156 acres with 3.4 cfs from Antelope Creek and has a priority date of May 1, 1880.
- On August 9, 2021, you curtailed delivery of eight upstream junior water rights in response to a call for delivery of 34-10220 made by Dalling. The eight junior water rights represent about 12 cfs of water that, according to your observation, were being beneficially used in full. Dalling's call for water came after downstream senior users (1879 rights) on the Hanrahan ditch dismissed their calls due to the lack of sufficient water for beneficial use.
- On August 16, 2020, you measured the water reaching the point of diversion for 34-10220 to be approximately 0.35 cfs. You additionally explained that this measured amount of water still needs to travel about $\frac{3}{4}$ of a mile in an open ditch to reach the pivot pump (field headgate), resulting in additional losses before the water can be used by Dalling.
- After discussing with Dalling, you concluded the amount of water reaching the pump was insufficient to effectively operate the pivot or flood irrigate without incurring significant waste or shrink. In other words, curtailing 12 cfs and several hundred acres

of beneficial use by upstream users to deliver less than 0.35 cfs to Dalling's field headgate is both futile and wasteful.

The Department agrees your good faith attempt to deliver water to Dalling under water right 34-10220 has resulted in an appropriate determination of a futile call. You may continue to deliver to the upstream users in priority for the remainder of the 2021 irrigation season, unless it is subsequently determined that delivery of any downstream senior water right(s) is no longer futile.

Please feel free to contact me with any related questions or concerns you have.

Regards,



Rob Whitney
Manager, Water Distribution Section

cc: James Cefalo - IDWR Eastern Region

Whitney, Rob

Subject: FW: Antelope Futile Call

From: General Manager [<mailto:blridgm@atcnet.net>]
Sent: Monday, August 23, 2021 11:13 AM
To: Luke, Tim <Tim.Luke@idwr.idaho.gov>
Subject: RE: Antelope Futile Call

A couple more comments to consider as well.

On Thursday 8-12-2021 it was found that one of the Reese Diversion had only been partially curtailed. It was completely curtailed the same day. The main antelope has been very low mostly all year and going into august it had actually dried up and disconnected from itself approximately a mile below the cherry creek road. Cherry Creek itself has also been very low and hardly running so my assumption would be that the water that is reaching the Crawford diversion and everyone downstream of that point would be from an alternate source such as a spring.

From: General Manager <blridgm@atcnet.net>
Sent: Monday, August 23, 2021 10:54 AM
To: 'Luke, Tim' <Tim.Luke@idwr.idaho.gov>
Subject: RE: Antelope Futile Call

In response to your questions:

1. After the water is measured by the water district it goes into a private ditch for .73 miles until it reaches the pump for the pivot. The Lessee that is running the farm indicated that the pivot could run for approximately 2-3 times a day if restarted but only until the sump was pumped dry. That would be a maximum of 3 hours out of a 24 hour period. He also indicated that with what water was there he was going to flood irrigate with.
2. The water rights are listed under Alvin but I have been spoken to Glenn Crawford who seemed willing to help his neighbors out and make beneficial use but he ultimately left the decision up to his lessee Brent Daling. After speaking with Brent this morning he is intent on calling for the Crawford right.
3. After the 1879 rights in the Hanrahan stopped calling for their water earlier this year because they couldn't put it to beneficial use, Crawford placed a dirt dam and plastic across the entire creek since he was the last user calling for water so there was no water going past that point.

From: General Manager [<mailto:blridgm@atcnet.net>]
Sent: Monday, August 23, 2021 8:43 AM
To: Luke, Tim <Tim.Luke@idwr.idaho.gov>
Cc: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>
Subject: Antelope Futile Call

Tim,

I am seeking your comments/support for a futile call to a senior water right located on antelope creek. On August 9, 2021 all junior water rights (listed below) were curtailed in order to try to deliver Alvin Crawford's 5-1-1880 (3.4cfs). On August 13, 2021 there was .68 cfs going over his weir and on August 16, 2021, after a week of the junior rights being curtailed, the water going over his weir at his point of diversion off antelope was unmeasurable with my charts in the

water measurement manual. It read a .14 on the staff gauge which after going to an app came out to be .35 cfs. It was my determination that it was futile to shut off 12.2 cfs which was being beneficially used in order to deliver .35 cfs.

Please let me know your thoughts or how you would like me to proceed.

Thank you

Lucas Yockey
Water Master
WD34

Curtailed Junior Rights

Tommy Waddoups Trust

- 34-784, .54 cfs

Marty Bennett

- 34-719A, .47 cfs

Mascaro Land & Livestock

- 34-932, 3.1 cfs

Josh Reese

- 34-591, 1.6 cfs

Antelope Valley Ranch

- 34-514A, 3.15 cfs

Lincoln Driscoll

- 34-426A, 2.32 cfs

- 34-426B, .28 cfs

Marty Bennet

- 34-719A, .47 cfs